

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:11:CR:335

v.

HON. GORDON J. QUIST

DAVID WILSON McQUEEN,  
TRENT EDWARD FRANCKE,  
JASON ERIC JUBERG,  
DONALD LAWRENCE JUBERG, and  
PENNY RENEE HODGE,

Defendants.

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**ORDER SETTING FINAL PRETRIAL OR PLEA AND TRIAL**

**IT IS HEREBY ORDERED** that jury selection and trial shall commence on **Tuesday, April 1, 2014, at 8:30 AM**, in the United States District Court, Courtroom 499, Federal Building, 110 Michigan, NW, Grand Rapids, Michigan. Counsel and the parties shall be present in the courtroom at 8:30 AM to address preliminary matters. A copy of Judge Quist's Information and Guidelines is available on the Court's website ([www.miwd.uscourts.gov](http://www.miwd.uscourts.gov)).

**IT IS FURTHER ORDERED** that a final pretrial conference or change of plea will be held on **March 11, 2014, at 11:00 AM**, in the United States District Court, Courtroom 499, Federal Building, 110 Michigan, NW, Grand Rapids, Michigan. Counsel who will try this case shall appear at the final pretrial conference. The attendance of the defendants is required unless specifically waived in writing. **Please note, if a defendant decides to plea, the attorneys shall notify the Court prior to March 11, 2014.** The parties should also note that this Court will establish its schedule and allocate its resources at the time of the final pretrial conference. Therefore, the parties should take note of U.S.S.G. § 3E1.1(b).

**IT IS FURTHER ORDERED** that at the final pretrial conference the parties shall:

1. Discuss any legal issues, including the Speedy Trial Act, motions in limine, or other evidentiary issues which may arise during the course of trial. **Motions in limine shall be filed by March 4, 2014.**
2. Enter into stipulations of uncontested facts.
3. Submit a proposed preliminary jury instruction defining the nature of the alleged offense and the elements of that offense.
4. Disclose the identity of all expert witnesses and agree, if possible, upon the qualifications of expert witnesses.
5. Agree, if possible, upon the admissibility of exhibits. The parties shall mark their exhibits for identification prior to the final pretrial conference.
6. Advise the court of the number of witnesses expected to be called and estimated length of trial.
7. **Proposed voir dire questions shall be filed by March 18, 2014.** During *voir dire*, the parties will not be permitted to argue their cases or ask the jurors to make promises that they will rule a specific way under a certain set of facts.
8. Review jury selection procedure.
9. **Trial briefs shall be filed by March 18, 2014.**
10. **Joint proposed jury instructions shall be filed by March 18, 2014.** The parties shall meet and confer regarding substantive jury instructions and identify the instructions upon which they agree and disagree, offering alternate language as appropriate. The parties must also submit a brief statement of the nature of any disputes relative to the jury instructions. This Court uses the Sixth Circuit *Pattern Criminal Jury Instructions* (West Publishing). A Word or WordPerfect copy of these instructions must be emailed to the Judge's Judicial Assistant at jane@miwd.courts.gov.
11. The government and defendants shall, **on or before March 4, 2014**, make available to each other pursuant to Fed. R. Evid. 1006 all summaries which the party intends to introduce into evidence plus duplicates of the supporting documents which have been summarized. At the final pretrial conference, the court will inquire regarding the admissibility of the summaries.

Dated: May 8, 2013

/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE